IN THE HIGH COURT OF JUDICATURE AT BOMBAY
Criminal Appellate Side

Criminal Application No. 2503 of 2005
in
Crim.Appeal No. 197 of 2002

Baban @ Yeshwant Vithal Katalkar ..Applicant

vs.

The State of Maharashtra ..Respondent

Smt.Anjali Patil for applicant
Shri B.V.Konde Deshmukh, A.P.P. for respondent.

CORAM: A.M.KHANWILKAR J.
29th NOVEMBER, 2005

P.C.

. Heard the Counsel for the parties.

. This is the second bail application filed by the present applicant. The applicant is convicted for the offence punishable under sec.376(2)(f) of I.P.C. and sentenced to undergo 10 years Rigorous Imprisonment and to pay a fine. The applicant had preferred first bail application when the appeal came up for admission being Crim.Application No.868 of 2002. The same was rejected on 8th March, 2002 with liberty to the applicant to renew the prayer for bail if the appeal was not finally disposed of by 15th March, 2005. In view of the said liberty the present application has been filed. Admittedly the

applicant has already undergone over 5 years of rigorous imprisonment which is more than 50% of the sentence awarded to him by the lower court. There is no possibility of appeal being taken up for hearing in the near future. Presently the appeals of even prior to 1995 are pending in this court for hearing. It is not in dispute that the applicant was on bail during the pendency of the trial. There is nothing on record to indicate that the applicant misused that bail. Taking over all view of the matter, in the interest of justice, the applicant is directed to be released on bail on the following strict conditions.

1. The applicant shall furnish personal bond in
the sum of Rs.20,000/- with one or two local sureties in the like amount.

2. The applicant shall not enter the district of Mumbai during the pendency of the appeal except with prior permission of this cosurt and to attend the hearing of the appeal when the same is placed on board for that purpose.

3. The applicant shall report his latest address

to the investigating officer. In addition the applicant shall report to the nearest police station where he would stay during the above period once in a month on first Monday of every English Calender month.

4. The applicant shall deposit his passport, if any, with the investigating officer. If he does not possess any passport he shall file affidavit to that effect.

. Application is disposed of accordingly.